

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jeffrey W. Strovel

Serial No.: 10/591,049

Art Unit: 1634

Filed: 5 May 2008

Examiner: Myers, Carla J.

TITLE: Determining Cancer-Linked Genes and Therapeutic Targets Using
Cytogenetic Methods

Docket No.: 689290-275

15 July 2010

E-Filed

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Response to Notice of Restriction

Sir:

In response to the Notice of Restriction, mailed 15 June 2010, Applicant hereby elects with traverse the invention of Group IV (claims 10, 11, 48-55 and 57-60), drawn to methods for detecting a cancerous status of a cell and methods for determining the likelihood of success of cancer therapy comprising detecting an increase in the level of a nucleic acid. In support of this, Applicants elect the species SEQ ID NO: 80.

Applicant believes that all of the claims of Group IV properly encompass use of SEQ ID NO: 80 (the elected species) in that all of the sequences can be used in each of the claims.

Applicants transverse on grounds that the protein sequences are used also in the claims of Group V, which Applicants believe should be rejoined for purposes of examination, although such group may be patentably distinct, because a change in expression of the gene (the nucleotide sequences are cDNA sequences) is likely to produce a change in the encoded protein level of the cell and likely to be determined by a search of the art.